

**IN THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON  
SEATTLE COURTHOUSE**

## ELISABETH REHN,

**Plaintiff,**

v.

**CITY OF SEATTLE, a lawful  
municipal corporation in the State of  
Washington; RILEY CAULFIELD;  
YOUNGHUN KIM; SETH WAGNER;  
JOHN DUUS; AND JASON  
DRUMMOND.**

### **Defendants.**

**CASE NO. 2:23-cv-01609-RAJ**

**PLAINTIFF'S AMENDED COMPLAINT  
FOR PERSONAL INJURIES AND  
DAMAGES**

## JURY DEMAND

Comes now the Plaintiff, Elisabeth Rehn, by and through her attorney, Jay H. Krulewitch, and alleges as follows:

## **J. JURISDICTION AND VENUE**

1.1 This Court has subject matter jurisdiction of Plaintiff's claims under 28 U.S.C. Section 1331, 28 U.S.C. Section 1343(a)(3), and 28 U.S.C. Section 1367.

1.2      Venue is proper in the Western District of Washington per 28 U.S.C. Section 1331(b) because a substantial part of the events complained of occurred in this District.

1.3 Ms. Rehn served the City of Seattle with a timely notice of claim for damages pursuant to RCW 4.96.020 on or about November 23, 2021.

**PL'S AMENDED COMPLAINT FOR DAMAGES-1**

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1           **II. PARTIES**

2       2.1 Plaintiff Elisabeth Rehn is a married female person who, at all times material to  
3 this action, resided in the City of Seattle, in King County, Washington.

4       2.2 Defendant Riley Caulfield, at all times material to this cause of action, was  
5 employed as a police officer for the City of Seattle, in King County Washington, acting under  
6 color of state law, and pursuant to his authority as a police officer. He is being sued in his  
individual capacity.

7       2.3 Defendant Younghun Kim, at all times material to this cause of action, was  
8 employed as a police officer for the City of Seattle, in King County Washington, acting under  
9 color of state law, and pursuant to his authority as a police officer. He is being sued in his  
individual capacity.

10      2.4 Defendant Seth Wagner, at all times material to this cause of action, was  
11 employed as a police officer for the City of Seattle, in King County Washington, acting under  
12 color of state law, and pursuant to his authority as a police officer. He is being sued in his  
individual capacity.

13      2.5 Defendant John Duus, at all times material to this cause of action, was employed  
14 as a police officer for the City of Seattle, in King County Washington, acting under color of state  
15 law, and pursuant to his authority as a police officer. He is being sued in his individual capacity.

16      2.6 Defendant Jason Drummond, at all times material to this cause of action, was  
17 employed as a police officer for the City of Seattle, in King County Washington, acting under  
18 color of state law, and pursuant to his authority as a police officer. He is being sued in his  
individual capacity.

19           **PL'S AMENDED COMPLAINT FOR DAMAGES-2**

20           Jay H. Krulewitch  
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1       2.7     The City of Seattle, at all times material to the cause of action, has been a  
2 legitimate municipal city government or political subdivision recognized under the laws of the  
3 State of Washington, acting under color of state law. The City of Seattle Police Department is an  
4 agency of the City of Seattle, duly authorized to provide law enforcement services to the citizens  
5 of the City of Seattle, in the State of Washington.

6              **III. FACTUAL BACKGROUND**

7       3.1     On November 22, 2020, shortly after 1:30 p.m., at Plaintiff's apartment, located at  
8 3016 1<sup>st</sup> Avenue, #404, in Seattle, King County, Washington, several Seattle Police Department  
("SPD") officers, namely Defendants Riley Caufield, Younghun Kim, Seth Wagner, John Duus,  
9 and Jason Drummond unreasonably and unlawfully broke down Plaintiff's door, entered her  
apartment, and seized her person with drawn firearms. Ms. Rehn had done nothing to justify  
10 this, and the Defendants had no reasonable grounds to believe she had. They were rashly and  
11 recklessly responding to an incident involving a person or persons, unknown to Ms. Rehn, who  
12 lived or resided in a different apartment, in a different apartment building. Their actions put Ms.  
13 Rehn in mortal fear that she was going to be assaulted or killed in this incident through no fault  
14 of her own. She was about to take a bath in her own apartment at the time, had disrobed in  
15 preparation for getting into her bath and barely had time to throw on a large coat to cover herself  
16 before the Defendant officers who entered her apartment shouted commands at her and trained  
17 one or more firearms on her. Even after they knew or should have known that they had broken  
18 down the door of the wrong apartment, in the wrong building, the Defendants still continued to  
needlessly search her apartment while Ms. Rehn trembled in fear.

19       3.2     The Defendant officers did this without a warrant and without a reasonable basis  
20 for believing that the entry into Ms. Rehn's home was justified by an exception to the warrant

21       **PL'S AMENDED COMPLAINT FOR DAMAGES-3**

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1 requirement—or that the manner in which they entered and the force they used to seize Ms.  
2 Rehn's person was justified or reasonable.

3       3.3     As a result of this incident, Ms. Rehn suffered a variety of injuries and other  
4 damages including, but not limited to substantial mental and emotional distress, fear for her  
physical well-being, invasion of privacy, loss of privacy, and other related damages.

5

6           **IV. FIRST CAUSE OF ACTION: UNCONSTITUTIONAL SEARCH OF  
PLAINTIFF'S HOME IN VIOLATION OF THE FOURTH AMENDMENT**

7       4.1     Plaintiff repleads the allegations contained in paragraphs 1.1 through 3.3 of this  
complaint, and incorporates the same by reference as if fully set forth herein.

8       4.2     The acts and omissions of Defendants described above were done under color of  
state law, and pursuant to the policies, customs, and/or usages of the City of Seattle.

9       4.3     The above described actions of Defendants constitute an unreasonable entry into  
10 and search of the home of the Plaintiff Elisabeth Rehn in violation of her constitutional rights  
11 guaranteed by the Fourth Amendment to the U.S. Constitution.

12       4.4     Defendant City of Seattle is liable under 42 U.S.C. Section 1983 under *Monell v.*  
*Dep't of Soc. Servs.*, 436 U.S. 658, 98 S. Ct. 2018, 56 L. Ed. 2d 611 (1978) because the  
13 individual officers involved received inadequate training regarding how to respond to this kind  
14 of incident, i.e. a person who was undergoing severe mental distress and/or suffering from a  
15 mental health and/or threatening suicide in a large apartment building.

16       4.5     As a consequence, Defendants are all liable under 42. U.S.C. Section 1983 to  
17 Plaintiff Elisabeth Rehn for all damages proximately caused to her by their unconstitutional  
18 actions, including mental anguish, emotional distress, pain and suffering, and other damages as  
19 allowed by law.

20

21 **PL'S AMENDED COMPLAINT FOR DAMAGES-4**

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1           **V. SECOND CAUSE OF ACTION: UNCONSTITUTIONAL SEIZURE OF**  
2           **PLAINTIFF'S PERSON IN VIOLATION OF THE FOURTH**  
3           **AMENDMENT**

4           5.1 Plaintiff hereby incorporates and realleges as if fully set forth herein each and  
5           every allegation of paragraphs 1.1 through 4.5.

6           5.2 The acts and omissions of Defendants herein were done under color of state law  
7           and the policies, customs, or usages of the City of Seattle.

8           5.3 Elisabeth Rehn had a federally-protected right, under the Fourth Amendment, not  
9           to have her person seized with unreasonable force against her person.

10          5.4 The acts and omissions of defendants herein proximately caused the deprivation  
11          of Ms. Rehn's Fourth Amendment rights by seizing her person with unreasonable force.

12          5.5 Defendant City of Seattle is liable under 42 U.S.C. Section 1983 under *Monell v.*  
13          *Dep't of Soc. Servs.*, 436 U.S. 658, 98 S. Ct. 2018, 56 L. Ed. 2d 611 (1978) because its policies  
14          and training regarding the use and display of firearms during the seizure of persons authorized  
15          and/or foreseeably resulted in the unconstitutional use of force against the Plaintiff.

16          5.6 As a consequence, Defendants are all liable under 42. U.S.C. Section 1983 to  
17          Plaintiff Elisabeth Rehn for all damages proximately caused to her by their unconstitutional  
18          actions, including mental anguish, emotional distress, pain and suffering, and other damages as  
19          allowed by law.

20           **VI. THIRD CAUSE NEGLIGENCE**

21          6.1 Plaintiff hereby incorporates and realleges as if fully set forth herein each and  
22          every allegation of paragraphs 1.1 through 5.6.

1       6.2     The Defendants had a duty to take care to make sure their actions were reasonable  
2 and necessary and legally justified before breaking down the doors of residents' homes and  
3 threatening the persons inside with guns. The City of Seattle had a duty to take care in the  
4 training and supervision of its officers to prevent unnecessary and unjustified violent intrusions  
5 into person's homes. Defendants owed that duty of care to Plaintiff Elisabeth Rehn. When they  
6 decided to enter Plaintiff's home, they owed that duty to her.

6.3     The Defendant agents of the City of Seattle breached that duty by their above  
7 described actions.

6.4     As a result, Defendant City of Seattle is liable for negligence due to the actions of  
the Seattle police officers under respondeat superior.

6.5     As a direct and proximate result of that breach, Plaintiff Elisabeth Rehn suffered  
damages including mental anguish, emotional distress, and other related damages.

## 12                   **X. PRAYER FOR RELIEF**

13                   WHEREFORE, Plaintiff Elisabeth Rehn prays for the following relief, jointly and  
severally, against all of the above-named defendants:

14                   A)     Full Compensatory Damages including, but not limited to, physical  
injuries, pain and suffering, emotional distress, loss of enjoyment of life, and other damages as  
allowed by law;

17                   B)     Punitive damages pursuant to 42 U.S.C. §1983, and related statutes, and  
where allowed under the Washington Constitution, statutes, and case law;

19                   C)     Reasonable Attorneys' Fees and expenses pursuant to 42 U.S. C. §1988,  
and/or Washington Statutes and/or case law;

21                   **PL'S AMENDED COMPLAINT FOR DAMAGES-6**

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D) Costs;

E) And for such other and further relief to be proven as the time of trial and as the court deems just and equitable.

Dated this 26<sup>th</sup> day of October, 2023.

Respectfully submitted,

JAY H. KRULEWITCH, ATTORNEY AT LAW

BY: s/Jay H. Krulewitch

Jay H. Krulewitch, WSBA #17612

Attorney for Plaintiff Elisabeth Rehn

**PL'S AMENDED COMPLAINT FOR DAMAGES-7**

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